

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH
CAROLINA WESTERN DIVISION

No. 5:21-CV-00225-BO

JUDITH KNECHTGES,

Plaintiff,

v.

NC DEPARTMENT OF PUBLIC
SAFETY, et al.,

Defendants.

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**DEFENDANT’S MOTION FOR
PROTECTIVE ORDER**

NOW COMES Defendants, NC Department of Public Safety, Eric Hooks, Janet Thomas and Terri Catlett (“Defendants”) appearing by and through undersigned counsel, to request that the Court enter a Protective Order controlling the production of confidential documents, material and information (“Confidential Information”). This motion is made pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, Local Rule 7.1 and N.C. Gen. Stat. §§ 160A-168 and 126-24. A copy of the proposed Protective order is attached hereto. In support of this motion for protective order, the Defendants state the following:

1. In this action, Plaintiff Judith Knechtges, an employee of Defendant NC Department of Public Safety (“DPS”), alleges that she was discriminated on the basis of race, gender and age by DPS and other Defendants in violation of Title VII of the Civil Right Act, § 42 U.S.C. 2000e *et seq.*, the ADEA § 29 U.S.C. 623 *et*

seq, 42 U.S.C. § 1983 and North Carolina State law. [D.E. 1 at 2]

2. During the course of this litigation, Defendants through undersigned counsel, have obtained and will continue to obtain and disclose to Plaintiff through counsel, or this Court, information in the possession, custody, or control of DPS that is Confidential Information by operation of federal and state law.
3. Some portion of the Confidential Information relates to but it not limited to:
 - a. Information contained in “personnel files” as defined in N.C.G.S. §126-22;
 - b. “Protected Health Information” as defined in 45 C.F.R. § 160.103;
 - c. “Personally Identifiable Information”, as defined in 45 C.F.R. § 75.2;
 - d. Information protected by the Family Education Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g and The Health Insurance Portability and Accountability Act (HIPAA)
 - e. Personal financial records, telephone records, and e-mail records of current or former employees and contractors of the Department;
 - f. Other non-public information as provided in N.C.G.S. § 132-1.7; and/or
 - g. Information that is potentially embarrassing or invasive of the privacy of a person not a party to this litigation and therefore an appropriate subject of a protective order under Rule 26(c)(1) of the Rules of Civil Procedure.
4. In light of the confidentiality of this material, a Protective Order is necessary to authorize the release of the Confidential Information and its handling as well as to ensure that the Confidential Information is not disclosed or used for any purpose except in connection with this litigation.
5. Defendants request in the interests of justice and to further the legitimate causes of this litigation, that the Court enter the attached proposed Protective Order in order to permit the disclosure of Confidential Information subject to its terms.

6. Counsel for defendants and counsel for plaintiff have discussed the need for a protective order previously; however, counsel for defendant is not aware of opposing counsel's position with regard to this motion at this time.

WHEREFORE, Defendants hereby respectfully requests that this Court enter the Consent Protective Order, and grant such other and further relief as the Court deems appropriate.

This the 18th day of October, 2022.

JOSHUA H. STEIN
ATTORNEY GENERAL

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CERTIFICATE OF SERVICE

I hereby certify that, on this date, I electronically filed the foregoing **Motion for Entry of Protective Order** with the Clerk of the Court utilizing the CM/ECF system:

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This the 18th day of October, 2022.

/s/ Bryan G. Nichols
Bryan G. Nichols
Assistant Attorney General